

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo)	Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

ORDER

On February 13, 2004, CBS Broadcasting, Inc. filed a "Motion to Intervene and for Order Regarding Release of Tapes Admitted into Evidence."

The motion is hereby **DENIED**, without oral argument, for the following reasons. The Court no longer has the tapes requested. They were released to the Task Force by order of December 30, 2003. The Court has no objection if the Task Force chooses to release copies of the tapes to CBS or any other media. The Court will not, however, order the Task Force to release the tapes if the Task Force believes the release of the tapes might jeopardize future prosecutions or for any other reason. The Court concludes that the "public's presumptive rights of access" to the tapes were fully satisfied by the playing of the tapes in open court and the posting of transcripts of the tapes on the Court's website for this case. (See <http://www.fairfaxcounty.gov/courts/cases/malvocase.htm>. Transcripts of Commonwealth's Ex. ## 77 and 220A-E.)

The Clerk of the Court is requested to send copies of this order to counsel for CBS Broadcasting, Inc., the Commonwealth and the Defendant.

Entered on March 9, 2004.

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JANE MARUM ROUSH
JUDGE DESIGNATE